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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/820,019 | 03/28/2001 | Robert Carlback | 280.671PAT | 5286 |

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| EXAMINER | |
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| BELL, PAUL A | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2675 | |

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/820,019 | CARLBACK, ROBERT | |
| | Examiner | Art Unit | |
| | PAUL A BELL | 2675 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *3/28/2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 2, and 4-8 ,are rejected under 35 U.S.C. 102(a) as being anticipated by Muroya (6,160,914).

With regard to claim 1 Muroya teaches a method of identifying a handwritten signature that is unique to the user (title, abstract, column 1, lines 5-14), comprising: providing an electronic pen and an electronic writing unit in communication with a computer system (figure 4, column 9, lines 7-20); a user applying a pressure on the electronic writing unit by the electronic pen at a first time; moving the electronic pen on the electronic writing unit and varying the pressure by the electronic pen on the electronic writing unit to create a unique signature of the user (figure 1, item 1); applying the pressure at a second time that is subsequent the first time (figure 1, item 2); measuring a time difference between the first time and the second time; measuring pressure variations by the electronic pen on the electronic writing unit when the electronic pen is moved on the electronic writing unit by the user; and comparing the time difference and pressure variations with time differences and pressure variations of a pre-recorded signature by the user (column 3, lines 40-54).

With regard to claim 2 Muroya teaches the method according to claim 1 wherein the method further comprises measuring a speed of the electronic pen when the electronic pen is moved on the electronic writing unit and comparing the speed with a speed of the electronic pen during the pre-recorded signature (column 5, lines 13-30).

With regard to claim 4 Muroya teaches the method according to claim 1 wherein the method further comprises measuring the pressure difference between segments of the signature and comparing the pressure difference with pressure difference in the same segments of the pre-recorded signature (figure 8).

With regard to claim 5 Muroya teaches the method according to claim 1 wherein the method further comprises measuring a relative time requirement to complete a first name of the signature and a relative time requirement to complete: a last name and comparing the relative times with a total time: requirement to complete the signature (column 4, lines 5-12).

With regard to claim 6 Muroya teaches the method according to claim 1 wherein the method further comprises measuring a total number of units activated on the electronic writing unit and comparing the total number with a total number of units activated on the pre-recorded signature (figure 3, step-5).

With regard to claim 7 Muroya teaches the method according to claim 6 wherein the method further comprises calculating a utilization density of the electronic writing unit (column 2, lines 55-61).

With regard to claim 8 Muroya teaches the method according to claim 1 wherein the computer transmits an approval signal when the time difference is between a predetermined maximum value and a minimum value (figure 3, step 10).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9, 10, 11, 13, 14, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muroya (6,160,914) in view of Thompson et al. (6,473,076).

With regard to claim 9 Muroya does not directly show "the method according to claim 1 wherein the method further comprises providing the electronic writing unit with an opening defined therein and inserting the electronic pen into the opening to activate the computer".

However, Thompson et al. teaches "providing the electronic writing unit with an opening defined therein and inserting the electronic pen into the opening to activate the computer" (title, figure 1, column 2, lines 55-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the means of activation as taught by Thompson et al. in the apparatus of Muroya because Muroya does not show how to turn on and off his device or where to store his pen when done, whereby each feature being desirable and therefore motivational.

With regard to claim 10 the combination of Muroya and Thompson et al. was shown above in claims 1 and 9 to cover all these claimed features.

With regard to claim 11 the combination of Muroya and Thompson et al. was shown above in claims 1, 2 and 9 to cover all these claimed features.

With regard to claim 13 the combination of Muroya and Thompson et al. was shown above in claims 1, 4 and 9 to cover all these claimed features.

With regard to claim 14 the combination of Muroya and Thompson et al. wherein the method further comprises measuring a time requirement to complete the signature and comparing the time requirement with a time requirement to complete the pre-recorded signature (figure 1, column 4, lines 1-20).

With regard to claim 15 the combination of Muroya and Thompson et al. was shown above in claims 1, 6 and 9 to cover all these claimed features.

With regard to claim 17 the combination of Muroya and Thompson et al. does not directly show his "electronic pen with a memory unit for storing personal data thereon" but the examiner contends a pen with memory is well known in the art and in regards to using it to store personal data this mere use recitation is viewed as an "OBVIOUS INTENDED USE" for memory in a pen and one would be motivated to have memory in his pen so user would not have to remember it and manually enter in personal data. With regards to "memory in a pen" the examiner serves "OFFICIAL NOTICE" .

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muroya (6,160,914) in view of Zank et al. (6,307,955).

With regard to claim 3 Muroya does not directly show "the method according to claim 1 wherein the method further comprises measuring an acceleration of the electronic pen when the electronic pen is moved on the electronic writing unit and comparing the acceleration with an acceleration of the electronic pen during the pre-recorded signature".

However, Zank et al. teaches "wherein the method further comprises measuring an acceleration of the electronic pen when the electronic pen is moved on the electronic writing unit and comparing the acceleration with an acceleration of the electronic pen during the pre-recorded signature" (column 4, lines 55-60, column 9, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the acceleration feature as taught by Zank et al. in the apparatus of Muroya because Zank et al. provides a motivational reason in column 9, lines 5-6 and in addition measuring more parameters such as acceleration would increase accuracy which is desirable and therefore also motivational.

6. Claims 12 and 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muroya (6,160,914) in view of (Zank et al. (6,307,955) and Thompson et al. (6,473,076)).

With regard to claim 12 the "acceleration feature" this was addressed above with Zank et al.

With regard to claim 16 the "activation feature" this was addressed above with Thompson et al.

## *Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Paul Bell

Paul Bell
Art unit 2675
12 December 2002

STEVEN SARAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600